

32. The method of claim 18, further comprising dissolving, dispersing or mixing the anti-microbial agent and the other components of the powder coating formulation into a liquid solvent, followed by removing the solvent in such a way as to yield a solid product which can be processed into a powder coating.--

REMARKS

Claims 1-32 are presented by this amendment. Claims 1-11 correspond to claims 1-11 as issued in the '620 patent subject to any amendments made to these claims.

Composition claim 10 and method claim 16 have been copied from U.S. Patent No. 6,093,407. Applicants request an interference be declared between their '620 patent and the '407 patent.

The additional claims are presented because Applicants verily believe, that, without any deceptive intent, they failed to claim all that they had a right to claim and that thus, the '620 patent is wholly or partly invalid due to their failure to claim.

Applicants recently discovered they had claimed less than they had a right to claim upon reviewing U.S. Patent No. 6,093,407 issued to DuPont, as well as reviewing their U.S. Patent No. 6,129,782, which is owned by the same Assignee as the '620 patent.

Enclosed is a fax copy of a Supplemental Reissue Declaration of Mr. Brodie and of Mr. Clover. Originals of these documents will be submitted to the Examiner upon receipt from Applicants' foreign associate in England.

Applicants believe that the two Declarations provide the information requested by the Examiner. In the event they are deemed deficient in some manner, Applicants would be willing to provide the Examiner with any further details.

Regarding the rejection of claims 10, 12, and 16 under 35 U.S.C. §102 as being anticipated by each of the cited references, Applicants respectfully traverse these rejections.

It is submitted that these references, alone or in combination with one another, do not show or suggest that in accordance with Applicants' invention, one must get in each particle of polymer, a particle of an antimicrobial agent. The key feature of Applicants' present invention is the homogeneous nature of the composition.

The cited reference of Cueman, U.S. Patent No. 5,238,749, teaches that such an agent may be incorporated in a thermoplastic material which may be applied to a substrate by a variety of means including electrostatic. There is no teaching or suggestion in Cueman, alone or in combination with any other reference, that the composition should be homogenous.

Applicants have reproduced the compositions of Cueman and when compared to Applicants' claimed composition, the Cueman compositions do not achieve Applicants' benefits. Applicants would be willing to submit this information in Declaration form at the Examiner's request.

It is submitted that the newly presented claims and the original claims are patentable to the present inventors.

Respectfully submitted,

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By


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CERTIFICATE OF MAILING

I hereby certify that the foregoing Response re Application Serial No. 09/880,556 is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents and Trademarks, Washington, DC 20231, this 10th day of June, 2002.


Robert S. Silver